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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/796,544

03/08/2004

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EXAMINER

HUNG, STEPHEN C

ART UNIT

PAPER NUMBER

2615

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/796,544

Applicant(s)

TERADA ET AL.

Examiner

Stephen C. Hung

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 15 and 16 is/are rejected.
- 7) ☒ Claim(s) 12-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Continuation of Attachment(s) 3. Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :3/16/2005; 1/19/2005; 3/08/2004.

DETAILED ACTION

This office action is in response to application filed on 3/08/2004. Claims 1-16 are pending and have been examined.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 15 and 16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 15 and 16 recite "a computer program containing program instructions executed by a computer", which does not qualify as one of the four statutory categories: process, machine, manufacture, or composition of matter. Computer programs are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Computer programs do not define any structural and functional interrelationships between the computer program and the computer. Since a computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process but merely nonstatutory functional descriptive material.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims **1-6, 8-11, and 15-16** are rejected under 35 U.S.C. 102(b) as being anticipated by **Silfvast et al. (US 6,438,241 B1)**.

Consider **claim 1**, Silfvast teaches an audio signal processing device (“audio mixer,” column 1, line 7) which processes audio signals and outputs the audio signals, comprising:

controls (Figure 2, fader 54 and rotary control 58) for setting values of parameters of the signal processing;

a display (Figure 2, display 64) for presenting a set value of the parameter;

a memory (Figure 2, memory 502) for storing a value of the parameter;

a loader (Figure 2, host processor 503) for loading the value of the parameter stored in said memory;

a comparator (Figure 7, control processor 500) for comparing, when said loader loads the value of the parameter, a value of the parameter set at a time of the loading with the loaded value of the parameter; and

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a display controller (Figure 2, host processor 503 and "updates the parameters for display on the channel controls 501 as appropriate," column 9, lines 10-11) for making a display style on said display different in accordance with a comparison result on match/mismatch by said comparator.

Consider **claim 2**, Silfvast teaches an audio signal processing device ("audio mixer," column 1, line 7) which processes audio signals and outputs the audio signals, comprising:

controls (Figure 2, fader 54 and rotary control 58) for setting values of parameters of the signal processing;

a display (Figure 2, display 64) for presenting a set value of the parameter;

a memory (Figure 2, memory 502) for storing a value of the parameter;

a loader (Figure 2, host processor 503) for loading the value of the parameter stored in said memory; and

a display controller (Figure 2, host processor 503 and "updates the parameters for display on the channel controls 501 as appropriate," column 9, lines 10-11) for making,

when said loader loads the value of the parameter, said display simultaneously present the loaded value of the parameter and a value of the parameter set at a time of the loading in different display styles.

Consider **claim 3**, Silfvast teaches an audio signal processing device according to claim 2, wherein said display has a light source ("light emitting diodes," column 3, line 7) capable of lighting up in a plurality of styles ("The first mode is brighter than the second mode," column 3, lines 8-9).

Consider **claim 4**, Silfvast teaches an audio signal processing device according to claim 3, wherein said light source is a light emitting diode ("light emitting diodes," column 3, line 7).

Consider **claim 5**, Silfvast teaches an audio signal processing device according to claim 4, wherein lighting brightness of said light source is different for each of the display styles ("The first mode is brighter than the second mode," column 3, lines 8-9).

Consider **claim 6**, Silfvast teaches an audio signal processing device according to claim 5, wherein said display is made to present the value of the parameter set at the time of the loading at a lower brightness than the loaded value of the parameter ("The first mode is brighter than the second mode," column 3, lines 8-9).

Consider **claim 8**, Silfvast teaches an audio signal processing device according to claim 2, wherein said display is a display for presenting continuous values ("value of a parameter," abstract).

Consider **claim 9**, Silfvast teaches an audio signal processing device according to claim 8, wherein said display is made to present an overlapped part ("All of the LEDs to the left of point 600 extending to the anchor LED 404 are illuminated in the dimmer mode," column 9, lines 25-27) and a different part (Figure 8B, point 600) between the value of the parameter set at the time of the loading and the loaded value of the parameter in different display styles ("The first mode is brighter than the second mode," column 3, lines 8-9).

Consider **claim 10**, Silfvast teaches an audio signal processing device according to claim 9, wherein said display is made to present the overlapped part ("All of the LEDs to the left of point 600 extending to the anchor LED 404 are illuminated in the dimmer mode," column 9, lines 25-27) and the different part (Figure 8B, point 600) using a first display style ("bright mode," column 4, line 18) and a second display style ("dimmer mode," column 4, line 19) that is less conspicuous than the first display style.

Consider **claim 11**, Silfvast teaches an audio signal processing device according to claim 10, wherein when the loaded value (Figure 8B, point 600) of the parameter is larger than the value of the parameter set at the time of the loading (Figure 8A, light

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404) display is made to present the overlapped part ("All of the LEDs to the left of point 600 extending to the anchor LED 404 are illuminated in the dimmer mode," column 9, lines 25-27) in the second display style ("dimmer mode," column 4, line 19) and the different part (Figure 8B, point 600) in the first display style ("bright mode," column 4, line 18).

Consider **claim 15**, Silfvast teaches a computer program ("software," column 1, line 43) containing program instructions executable by a computer and causing said computer to execute:

a process of processing audio signals and outputting the audio signals ("audio mixer," column 1, line 7);

a process of setting values of parameters of the signal processing in accordance with operation of controls (Figure 2, fader 54 and rotary control 58);

a process of making a display present a set value of the parameter (Figure 2, display 64);

a process of storing a value of the parameter (Figure 2, memory 502);

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a process of loading the value of the parameter stored in said storing (Figure 2, host processor 503);

a process of comparing, when loading the value of the parameter in said loading, a value of the parameter set at a time of the loading with the loaded value of the parameter (Figure 7, control processor 500); and

a process of making a display style on said display different in accordance with a comparison result on match/mismatch by said comparing ("The first mode is brighter than the second mode," column 3, lines 8-9).

Consider **claim 15**, Silfvast teaches a computer program ("software," column 1, line 43) containing program instructions executable by a computer and causing said computer to execute:

a process of processing audio signals and outputting the audio signals ("audio mixer," column 1, line 7);

a process of setting values of parameters of the signal processing in accordance with operation of controls (Figure 2, fader 54 and rotary control 58);

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a process of making a display present a set value of the parameter (Figure 2, display 64);

a process of storing a value of the parameter (Figure 2, memory 502);

a process of loading the value of the parameter stored in said storing (Figure 2, host processor 503); and

a process of making, when loading the value of the parameter in said loading, the display simultaneously present the loaded value of the parameter and a value of the parameter set at a time of the loading in different styles ("The first mode is brighter than the second mode," column 3, lines 8-9).

Claim Rejections - 35 USC § 103

4: The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Silfvast et al. (US 6,438,241 B1)**.

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Consider **claim 7**, Silfvast does not teach an audio signal processing device according to claim 4, wherein lighting color of said light source is different for each of the display styles. Silfvast never discloses what the color of the ~~said~~ light source is. Silfvast only teaches that the light sources vary in intensity (bright or dim). However, Silfvast teaches another light source in the audio mixer having different colors ("at least one central light having a controllable color," column 3, lines 62-63). Silfvast's usage of the dim and bright lights only serve as an embodiment to illustrate different display styles. Silfvast states that the "preferred embodiment of the invention has been presented for purposes of illustration and description. It is not intended to be exhaustive or to limit the invention to the precise forms disclosed. Obviously, many modifications and variations will be apparent to practitioners skilled in this art" (column 10, lines 57-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the said light source of Silfvast change colors instead of dimming or brightening, in order "to indicate information to the operator" (column 3, line 66-67).

Allowable Subject Matter

6. **Claims 12, 13 and 14** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen C. Hung whose telephone number is (571)270-1457. The examiner can normally be reached on M-Th 7:30am-5pm, Every other Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



S.H.

4-25-2007



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SUPERVISORY PATENT EXAMINER